IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

V 3:10-00260-3

AHMAD ABULNASIR AHMAD

MOTION TO REMOVE ALIAS FROM THE SECOND SUPERCEDING INDICTMENT

Comes the defendant by and through counsel to move this Honorable Court to remove the alias "Fabulous" from the Second Superceding Indictment. The defendant files this motion in part pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure, objecting to the use of an alias as surplusage which can be removed by the Court, and objecting the use of an alias before testimony is presented that connects the alias to Mr. Ahmad. For Grounds, the defendant would show the following:

1. The Second Superceding Indictment contains the alias "aka Fabulous", particularly on page 4, where Ahmad Abdulnasir Ahmad is listed "a/k/a Fabulous", and a member or associate of SOL, and on page 13, paragraph 26, alleging an act on April 26, 2009, allegedly involving Ahmad Abdulnasir Ahmad, "a/k/a Fabulous.".

2. The Government has provided an affidavit with an "Attachment "A", listing Ahmad Abdulnasir Ahmad, a/k/a Fabulous, with telephone numbers obtained from Hennipin County. (Exhibit One, filed under seal) The Attachment A says that Haji Salad's phone contained information tying Fabulous to Ahmad Abdulnasir Ahmad, however, information on Haji Salad's phone only has the name "Fab" next to telephone number and does not state that "Fab" is Fabulous, or that " Fab" is Ahmad Abdulnasir Ahmad.

ORDER
Based upon proof about this Defendant's alias and Williams v. United States, 158 Fed Appx 651 (6th Cir 2005) this motion is DENIED.
[signature]
2-13-12